

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

V.

URIEL BALENTIN BADILLO,

Defendant.

NO: 1:15-CR-2032-TOR

ORDER ACCEPTING REPORT AND RECOMMENDATION AND SETTING SENTENCING SCHEDULE

This Court, having considered the Report and Recommendation of United

States Magistrate Judge James P. Hutton (ECF No. 51), to which there has been no

timely objection, and subject to consideration of the Plea Agreement (ECF No. 49).

pursuant to Fed. R. Crim. P. 11(c)(3), hereby accepts the plea of guilty of the

Defendant to the charge contained in Count 1 of the Indictment, and the Defendant

is adjudged guilty of that offense. However, the Court reserves accepting the Rule

11(e)(1)(C) binding nature of the plea agreement until the time of sentencing.

1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

2 1. The Report and Recommendation (ECF No. 51) is adopted in its entirety.

3 2. A sentencing hearing is set for **October 13, 2015, at 1:00 p.m.**, in

4 Yakima, Washington. Absent truly exigent circumstances, the Court will not
5 consider a request for a continuance of sentencing unless: (1) the request is made
6 by written motion, (2) in accordance with Local Rule 7.1, and (3) the motion and
7 supporting declaration are filed at least seven (7) days before the scheduled
8 sentencing hearing.

9 2. The Defendant shall remain in the custody of the U.S. Marshal's Service
10 pursuant to the detention order previously entered in this matter. ECF No. 21. **If a**
11 sentence of incarceration is imposed, the Defendant shall remain in custody at
12 the time of sentencing.

13 3. The United States Probation Office shall prepare a Presentence Report.
14 Fed. R. Crim. P. 32(c).

15 4. Not later than **September 1, 2015**, the probation officer shall disclose
16 the Presentence Investigation Report (PSIR) to the Defendant, counsel for
17 Defendant, and the Government. Disclosure of the Presentence Investigation
18 Report shall be subject to the limitations imposed by Rule 32 of the Federal Rules
19 of Criminal Procedure.

1 5. Not later than **September 11, 2015**, counsel shall communicate in
2 writing to the probation office (and opposing counsel) any objections they may
3 have as to legal and factual errors or omissions; sentencing classifications;
4 sentencing guideline ranges; and policy statements contained in or omitted from
5 the report. If an objection is filed, the probation officer shall conduct such
6 additional investigation as is necessary to assess the merits of the objection.

7 6. The probation officer shall submit the final Presentence Report to the
8 Court by **September 29, 2015**. The report shall be accompanied by an addendum
9 setting forth any objections counsel may have made, including those that have not
10 been resolved, together with the officer's comments and recommendations thereon.

11 7. Not later than **September 29, 2015**, counsel shall file and serve all
12 motions and memoranda pertaining to Defendant's sentence, including departures
13 and variances, and sentencing recommendations. FAILURE TO FILE AND
14 SERVE A MOTION OR MEMORANDUM FOR UPWARD OR DOWNWARD
15 DEPARTURE AND VARIANCES BY THIS DATE WILL BE DEEMED A
16 WAIVER OF THE RIGHT TO DO SO.

17 8. Not later than **October 6, 2015**, the opposing party shall file and serve its
18 response limited to no more than seven (7) pages.

1 The District Court Executive is hereby directed to enter this order and
2 provide copies to counsel, the United States Probation Office, and the United
3 States Marshal's Service.

4 **DATED** July 29, 2015.



5 A handwritten signature in blue ink that reads "Thomas O. Rice".
6 THOMAS O. RICE
7 United States District Judge

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